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REMARKS

Claims 1 and 9 are amended and Claim 14 is added. Claims 1-7, 9-12 and 14, as amended, remain in the application. No new matter is added by the amendments to the claims.

The Rejections:

In the Final Office Action dated July 21, 2006, the Examiner rejected Claims 1-7 and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi (EP 1,148,018) in view of Hossler (US 2003/0094333).

Regarding Claim 1, the Examiner stated that Mitsubishi discloses an elevator drive brake element (41) rotatable between a brake reset and brake released position, a handle (18a) attached to the brake element for rotation between the locked and unlocked positions, thereby placing the brake in the reset and released positions, respectively, and a means (46) for automatically restraining said drive brake element, and thereby said handle, from rotating to said released position. The Examiner further stated that Hossler teaches further his handle (41) that is rotatable between said brake reset and released positions and a selectively operated locking means (150, Fig. 2) for maintaining said handle in a locked and, thereby, said brake reset position. His locking means is "... a commercially available keyed plunger lock... used to ensure that the handle cannot be moved out of the locked position" (Page 2, Para. 0018). The admitted that Hossler is silent as to whether his locking means automatically locks his handle upon engagement of said locking means by said handle, but stated that in that locking systems providing both automatic and selective engagement are well-known to industry and are commercially available, and it would have been obvious to one of ordinary skill in the art to modify the invention of Mitsubishi with the teaching of Hossler to provide a commercially available locking system offering either automatic or selective engagement with a brake handle, for the benefits of minimizing design and manufacturing costs, as well as ensuring user friendliness.

Regarding Claims 2-7 and 9-12, the Examiner stated that Hossler discloses said handle with a latch receiving aperture (42) and said locking means having a latching plunger (151) for releasably engaging said latch receiving aperture when said handle is in said locked position, and

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whereas Mitsubishi discloses a removable handle having an elongated arm and seated in his brake element, Hossler teaches his handle having an elongated arm and affixed to his brake element (Fig. 1). The Examiner further stated that Hossler teaches an elongated arm having a leading edge (Fig. 2) for receiving said latching plunger, in keeping with said "... commercially available keyed plunger lock..." said arm having a rounded contour for receiving said latching plunger. The Examiner admitted that Hossler is silent as to whether his locking means automatically locks his handle upon engagement of said locking means by said handle, but stated in that commercially available, keyed locking systems provide both automatic and selective engagement, it would have been obvious to one of ordinary skill in the art to modify the invention of Mitsubishi with the teaching of Hossler to provide a commonly used, keyed locking system for a manually actuated, override braking means, to limit access to such means by only authorized personnel.

The Examiner rejected Claims 8 and 13 under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Hossler, and in further view of Aulanko. The Examiner stated that though Mitsubishi and Hossler are silent regarding a safety switch, attention is drawn to Aulanko who teaches "...a detector (71) ... which... can be connected to the elevator control system." (Col. 3, Line 29) and, therefore, it would have been obvious to one of ordinary skill in the art to modify the inventions of Mitsubishi and Hossler with the teaching of Aulanko to provide an interlock with the elevator control system to confirm the status of an emergency brake release system.

In response to Applicant's previous arguments, the Examiner stated that:

Mitsubishi discloses a spring-biased latching mechanism whereby the handle is restrained from rotation unless the locking means, specifically its plunger (46), is manually retracted, thereby teaching an automatic locking mechanism in combination with a handle as used by service personnel to engage/disengage an elevator braking device, whereby the handle is locked from rotating from its brake reset to brake release positions.

Hossler teaches the concepts of a locking means including a keyed lock and a handle with latch engaging aperture, whereby the handle of his braking device can be locked in a brake reset position through engagement of a latching plunger. Though Hossler is silent as to whether or not the plunger is automatically or selectively engaged, Hossler teaches that his locking means is a

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"commercially available keyed lock" whereby both automatically and selectively engaged plungers are well-known.

In that Mitsubishi discloses an automatically activated latching plunger, which must be manually retracted to enable rotation of his handle, and Hossler teaches further the concept of a latch engaging aperture of his locking means, whereby his locking means is commercially available and therefore common to the art, the employment of a locking means for automatic activation upon engagement with the handle would have been obvious to one having ordinary skill in the art; therefore, the instant claims are not patentable over the references as applied above.

The Response:

In the Advisory Action dated November 14, 2006, the Examiner stated that:

The introduction of matter from Claims 8 and 13 into independent Claims 1 and 9, respectively, neither place the application in condition for allowance nor overcome the previous rejections. Aulanko et al teach their brake (58) including a lever (66) approximate of which is their safety switch (71, Fig. 2) which can be connected to their elevator control system (Col. 3, Line 29).

Applicant amended Claim 1 to include the subject matter of cancelled Claim 8 and amended Claim 9 to include the subject matter of cancelled Claim 13. Claims 1 and 9 now recite "said locking means including a safety switch contact actuated by engagement with said handle in said locked position." Applicants also amended Claims 1 and 9 to recite that "said locking means including a recess for receiving said handle and a safety switch contact mounted in said recess and actuated by engagement with said handle in said locked position." New Claim 14 is similar to Claim 9 with the substitution of the housing for the recess. Support for these amendments is found on Page 3 at Lines 1-25.

In his rejection of Claims 8 and 13, the Examiner stated that Aulanko teaches a detector 71 which can be connected to the elevator control system. (Col. 3, Line 29) and, therefore, it would have been obvious to one of ordinary skill in the art to modify the inventions of Mitsubishi and Hossler with the teaching of Aulanko to provide an interlock with the elevator

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control system to confirm the status of an emergency brake release system. Aulanko shows a manually activated elevator brake releasing device 58 placed in an opening 75 in the wall of an elevator shaft. The releasing device 58 includes a lever 66 with a detector 71 indicating the functional status of the releasing device. There is no other description of the detector 71 and it is shown in Fig. 2 as being spaced from and not physically connected to the lever 66.

Thus, Aulanko does not teach or suggest that the detector 71 is included in "said locking means" as recited in Applicant's amended Claims 1 and 9. Aulanko does not teach or suggest that the detector 71 is "a safety switch contact" as recited in Applicant's amended Claims 1 and 9. Aulanko does not teach or suggest that the detector 71 is "actuated by engagement with said handle" as recited in Applicant's amended Claims 1 and 9. Aulanko does not teach or suggest that the detector 71 is actuated by "said handle in said locked position" as recited in Applicant's amended Claims 1 and 9.

None of the cited references shows or suggests "said locking means including a recess for receiving said handle and a safety switch contact mounted in said recess and actuated by engagement with said handle in said locked position" as recited in Applicant's amended Claims 1 and 9, or "said latching plunger being positioned between said handle in said reset position and said safety switch contact" as recited in Applicant's Claim 14.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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